

REMARKS

Claims 40, 41, 44, 45 and 49-56 are in this application and are presented for consideration. By this amendment, Applicant has canceled many claims and has rewritten claim 40 to include the features of claim 32. Claims 41, 44 and 45 are presented depending on amended claim 40. Additionally, new claims 49-56 are presented. These claims relate to the same invention and in particular the mount with mounting mat having novel features which are believed to be patentable.

Claims 46-48 and 24 that have been withdrawn are now canceled.

The drawings have been objected to because numeral 8 in the drawings is not mentioned in the description. Applicant has modified the description to include this reference numeral.

Claims 26, 34 and 38 have been rejected as being improper. These claims have now been canceled. Claims 29-31, 33-35, 37 and 40 have been rejected based on informalities. These claims have now been canceled. Claim 43 has been rejected as being indefinite. This claim has been canceled.

Claims 25, 28 and 40-42 have been rejected as being anticipated. Claim 40 is represented with particulars of claim 32 as discussed further below.

Claims 25-31, 37, 38, 40 and 41 have been rejected as being anticipated by Sanocki et al. Claim 40 is discussed below with reference to the rejection of claim 32 below.

Claim 43 has been rejected as obvious based on Merry in view of Harding (U.S. 6,017,498). Claim 43 has now been canceled.

Claims 44, 45 and 32 have been rejected as being obvious based on Sanocki et al.

This rejection is based on the position that although Sanocki et al. does not teach that the connection joint of the mat and insert have a wavy shape, this structure would be obvious. However, Applicant notes that there is no teaching and no suggestion of this feature.

The basis for the obviousness rejection is that Sanocki et al. would go to a wavy shape so as to avoid edges of the joint that are sharp. Applicant notes that a wavy shape may well have sharp edges. It is the overall contour that of a wave or undulation, namely curved contours undulating or tongue and recess wherein these interfit. Such may certainly have sharp edges or a sharp cut shape. Further, it is not clear from the prior art that sharp edges and corners result in a higher stress and cause higher stresses in the materials and increase the likelihood of material failure. Although this could be true, it is not clear why or where the prior art teaches that this may be relieved with an undulating or curvy wave shape as claimed. If this is true, there must be a specific teaching in the prior art which would lead or motivate the person of ordinary skill in the art to make the change from the structure disclosed by Sanocki et al. and instead provide the structure as claimed.

It could be that the "wavy shape" language has somehow been misinterpreted to mean something which is not being claimed. For this reason, Applicant has also added new claims 49 through 56 which present the subject matter using slightly different language. For example, new claim 49 notes that the swelling mat and the fiber mat sections, which together form the mounting mat have a joint edge of complimentary wave shape with the edges abutting to form a mutually meshing joint in a wave shape. Hopefully this clarification will avoid a

misinterpretation as to the subject matter of the claims. Of course it is Applicant's position that the claims are clear and definite, and in view of the disclosure, the person of ordinary skill in the art can practice the invention. Claims 50-52 detail further particulars according to the combination claimed. New claim 53 relates to similar subject matter but notes that each joint edge, namely of the swelling mat section and the fiber mat section has an undulating curved contour wherein these contours are complimentary to each other and together the contours in abutting position for a mutually interengaging joint. Further particulars are noted in claims 54-56 including claim 56 which notes the tongue cut or recess form wherein these are interlocked. With this it is clear that Applicant's joint edges are not fuzzy or roughened but are as sharp with straight line edges (for abutting) to form the interengaging joint. The structure claimed does not necessary avoid stress, namely it is not clear that wavy shaped edges result in lower stress as compared to a straight line edge. It is not known to Applicant that the overlap caused by the wave-shaped tongues 12 and cutouts 13 (see disclosure) result in a lowering or a lower stress. Although this could be possible, this is not the purpose and the basis for this structure according to the invention. Instead, the layers with wave shape provide an optimal joint for the transition of the two different types of material, namely the material to avoid erosion and the swelling mat material. The wave shaped structure is particularly advantageous with regard to avoiding waste. Further, with multiple layers of wave shaped tongues and recesses may have joints offset to bring about an overlap in the joint areas with respect to the individual layers.

Sanocki et al. fails to direct the person of ordinary skill in the art toward such a wave shaped structure, namely complimentary wave shapes and clearly fails to provide such structures in different layers with the joint areas being offset with one layer having a region of the joint offset with respect to another layer's joint region.

Applicant requests that the Examiner consider discussing the claim language with Applicant with regard to the Examiner's interpretation of this language in application of the prior art. Should any issues remain unresolved by this response, such a discussion may resolve issues at an early time and move this case toward allowance.

Respectfully submitted
for Applicant,

By: 

John James McGlew
Registration No. 31,903
MCGLEW AND TUTTLE, P.C.

JJM:jj/jms

Enclosed: Petition for Extension of Time
Credit Card Payment Form

67066.13

DATED: January 13, 2005
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.